

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00587-M-KS

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| MICHAEL MCNAIR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| TSA, et al., |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

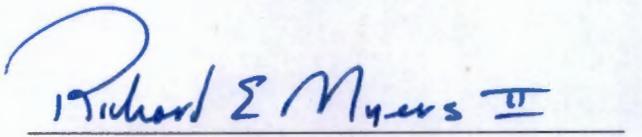
This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Kimberly A. Swank in this case on July 11, 2024 [DE 15]. In the Recommendation, Judge Swank recommends that the court grant Defendants’ motion to dismiss on grounds of subject matter jurisdiction and deny as moot Defendants’ motion to stay discovery. DE 15 at 1, 7-8, 11-12. The Recommendation, along with instructions and a deadline for filing objections, was served on Plaintiff on July 11. *See id.* at 12. Plaintiff raised no objection to the Recommendation. *See* Docket Entries dated July 11, 2024, to present.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial*

Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, the court finds no clear error. *See Diamond*, 416 F.3d at 315. The court thus ADOPTS the Recommendation [DE 15] in full. Defendants' motion to dismiss [DE 4] is GRANTED on grounds of subject matter jurisdiction, and Defendants' motion to stay discovery [DE 8] is DENIED AS MOOT. Plaintiff's Complaint [DE 1-1] is DISMISSED WITHOUT PREJUDICE. The Clerk of Court is directed to close this case.

SO ORDERED this 6th day of August, 2024.


Richard E. Myers II
RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE